

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CARPENTERS DISTRICT COUNCIL)	
OF GREATER ST. LOUIS AND)	
VICINITY, et al,)	
)	
Plaintiffs,)	
)	
vs.)	No. 4:06-CV-1044 (CEJ)
)	
DEBBIE DILLENDER,)	
an individual,)	
d/b/a/ HARD ROCK FOUNDATION)	
)	
Defendant.)	

ORDER

This is an action seeking an order of accounting and to collect delinquent contributions pursuant to Section 301 of the Labor Management Relations Act of 1974, as amended, 29 U.S.C. § 1985, and pursuant to Section 502 of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. § 1132.


Plaintiffs seek unpaid contributions due pursuant to the terms of a collective bargaining agreement signed on April 20, 2004, by defendant Debbie Dillender, an individual doing business as Hard Rock Foundation. Defendant was served with the summons and complaint on July 26, 2006, and has not filed an answer or otherwise appeared in this matter. On September 1, 2006, the Clerk of Court entered default against defendant.

Plaintiffs have moved, pursuant to Rule 55(b)(2), Fed. R. Civ. P., for an order compelling defendant D&H Concrete, Inc., to submit to an audit for the purposes of determining the amounts allegedly owed. Plaintiffs have established that the collective bargaining agreement requires that defendant submit to such an audit. The

only means by which plaintiffs can determine the amount owed is through her compliance.

Accordingly,

IT IS HEREBY ORDERED that defendant Debbie Dillender, an individual doing business as Hard Rock Foundation, is ordered to provide to plaintiffs, by **October 16, 2006**, the payroll registers and other documents needed to perform an audit for the period since May 1, 2004.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 20th day of September, 2006.